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U.S. COURT OF APPEALS

NOT FOR PUBLICATION

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

FRANCISCO DOMINGUEZ,

Plaintiff - Appellant,

v.

CITY OF LOS ANGELES, et al.,

Defendants - Appellees.

No. 07-55403

D.C. No. CV-06-06085-DSF

MEMORANDUM^{*}

Appeal from the United States District Court
for the Central District of California
Dale S. Fischer, District Judge, Presiding

Submitted April 13, 2009^{**}
Pasadena, California

Before: FERNANDEZ, SILVERMAN and CALLAHAN, Circuit Judges.

Plaintiff Francisco Dominguez appeals the district court's grant of summary judgment in favor of Defendants City of Los Angeles and Chief of Police William Bratton. We have jurisdiction pursuant to 28 U.S.C. § 1291. We review the

^{*} This disposition is not appropriate for publication and is not precedent except as provided by 9th Cir. R. 36-3.

^{**} The panel unanimously finds this case suitable for decision without oral argument. *See* Fed. R. App. P. 34(a)(2).

summary judgment order de novo, *Universal Health Servs., Inc. v. Thompson*, 363 F.3d 1013, 1019 (9th Cir. 2004), and we affirm.

As the district court correctly held, the City and Chief Bratton cannot be held liable for their policies absent a constitutional violation by the officers. *See City of Los Angeles v. Heller*, 475 U.S. 796, 799 (1986) (per curiam). And because there was no evidence that the officers intended to harm Dominguez, the district court correctly concluded that the officers did not violate his Fourteenth Amendment rights. *See County of Sacramento v. Lewis*, 523 U.S. 833, 846 (1998); *Moreland v. Las Vegas Metro. Police Dep't*, 159 F.3d 365, 372-73 (9th Cir. 1998).

AFFIRMED.